

REMARKS

In response to the Office Action mailed June 4, 2003, Applicant respectfully requests reconsideration. Claim 21 has been amended. Claims 21, 41, 42 and 44-49 are pending in this application. No new matter has been added.

Specification

The specification has been amended to delete material that was previously added in the October 8, 2002 response. The paragraph beginning at page 9, line 20 has now been amended to reflect the paragraph as originally filed.

Claim Rejections – 35 U.S.C. § 112, first paragraph

Claims 21, 41, 42, 44-49 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, to make and/or use the invention.

In particular, the Examiner asserts that the specification does not reasonably enable removably mounting a forming last with the formed upper on the apparatus and moving the last with the formed upper thereon sequentially through the plurality of separate workstations to the molding workstation. The Examiner contends that a forming last with a formed upper thereon is not removably mounted on the apparatus and then moved sequentially through the plurality of separate workstations to the molding workstation.

Claims 21, 41, 42, 44-49 are also rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that claim 21 introduces new matter that is not supported by the original disclosure.

Without acceding to the propriety of the Examiner's positions, Applicant has amended claim 21 in a manner believed to address the Examiner's concerns so as to advance prosecution of this application. As amended, claim 21 recites "removably mounting the forming last on the apparatus and moving the last sequentially through the plurality of separate workstations to complete the upper before moving the last with the formed upper thereon to the molding workstation".

Applicant respectfully submits that amended claim 21 is fully supported by the specification. In particular, the specification supports that the forming last is removably mounted on the multi-workstation apparatus. For example, as shown in Fig. 3, the forming last is separate from the apparatus and has terminals (19) which engage in a bayonet type coupling to power the heating elements (16) when the last is mounted on the apparatus. Once the forming last is mounted to the apparatus, the last moves sequentially through the workstations to complete the formation of the upper, as stated at page 7, line 29. For example, some of the workstations may perform operations such as pre-roughening of the upper and pre-cementing, as described at page 11, line 12. Once the upper is completed, the last with the formed upper thereon is moved to the moulding workstation, as described at page 9, line 25, which is a particular one of the plurality of workstations on the apparatus. Therefore, the present invention enables both the formation of the upper (typically a multi-stage operation performed across a plurality of workstations), and the moulding of the rubber sole, to take place on the same last. Based on the foregoing, Applicant submits that as amended, claim 21 is fully supported and described by the specification.

Accordingly, the rejections of claim 21, 41, 42, 44-49 under 35 U.S.C. §112, first paragraph, should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

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Art Unit: 1732

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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